

Wesley James Furlong (MT Bar No. 42771409)
NATIVE AMERICAN RIGHTS FUND
745 West 4th Avenue, Suite 502
Anchorage, AK 99501
Tel. (907) 276-0680
Fax (907) 276-2466
wfurlong@narf.org

Matthew L. Campbell (*pro hac vice*)
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, CO 80302
Tel. (303) 447-8760
Fax (303) 443-7776
mcampbell@narf.org

*Counsel for Plaintiffs Rosebud Sioux Tribe
and Fort Belknap Indian Community*

Additional Counsel Listed on Signature Page

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROSEBUD SIOUX TRIBE *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN *et al.*,

Defendants,

and

TC ENERGY CORPORATION *et al.*,

Defendant-Intervenors.

Case No. 4:18-cv-00118-BMM

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Rosebud Sioux Tribe and Fort Belknap Indian Community, Defendants Joseph R. Biden, United States Department of State, Antony J. Blinken, David Hale, United States Department of the Interior, and Debra A. Haaland,¹ and Defendant-Intervenors TC Energy Corp. and TransCanada Keystone Pipeline, L.P., (collectively, “the Parties”) respectfully and jointly submit this Stipulation of Dismissal Without Prejudice, dismissing Plaintiffs’ case in its entirety against all Defendants and Defendant-Intervenors without prejudice.

Filing a stipulation of dismissal pursuant to Rule 41 automatically terminates the case. *Acosta v. Lopez*, No. 1:18-cv-00625-AWI-SKO, 2019 WL 5536321, at *1 (E.D. Cal. Oct. 25, 2019) (citing *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1078 (9th Cir. 1999)) (“Case law concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and does not require judicial approval.”).

On January 20, 2021, President Joseph R. Biden issued an executive order revoking the 2019 presidential permit at issue in this case. *See* Exec. Order No. 13,990, § 6(a), 86 Fed. Reg. 7,037, 7,041 (Jan. 20, 2021). On April 7, 2021, this Court ordered the Parties to brief whether the revocation of the 2019 presidential

¹ Defendants Joseph R. Biden, Antony J. Blinken, and Debra A. Haaland are automatically substituted for their predecessors. Fed. R. of Civ. P. 25(d).

permit moots this case. Doc. 182. The Parties agree that the case is moot. *See Indigenous Envtl. Network v. U.S. Dep't of State*, No. 18-36068, 2019 WL 2542756 (9th Cir. June 6, 2019); *League of Conservation Voters v. Biden*, No. 19-35460, ___ Fed. App'x ___, 2021 WL 1392149 (9th Cir. Apr. 13, 2021). Accordingly, in the interest of conserving the Parties' and the Court's resources, the Parties jointly submit this Stipulation of Dismissal Without Prejudice.

This dismissal is without prejudice. Each party will bear their own costs and fees.

RESPECTFULLY SUBMITTED this 5th day of May, 2021.

FOR ROSEBUD SIOUX TRIBE AND FORT
BELKNAP INDIAN COMMUNITY

/s/ Wesley James Furlong

/s/ Matthew L. Campbell

Wesley James Furlong (MT Bar No. 42771409)

Matthew L. Campbell (*pro hac vice*)

NATIVE AMERICAN RIGHTS FUND

Daniel D. Lewerenz (*pro hac vice*)

NATIVE AMERICAN RIGHTS FUND

1514 P Street Northwest (rear), Suite D

Washington, DC 20005

Tel. (202) 785-4166

Fax (202) 822-0068

lewerenz@narf.org

*Counsel for Plaintiffs Rosebud Sioux Tribe and
Fort Belknap Indian Community*

Daniel D. Belcourt (MT Bar No. 3914)

BELCOURT LAW, P.C.

120 Woodworth Avenue
Missoula, MT 59801
Tel. (406) 265-0934
Fax (406) 926-1041
danbelcourt@aol.com

Ronnie M. Flannery (MT Bar No. 5890)
LAW OFFICE OF RONNIE M. FLANNERY
936 South 2nd Street West
Missoula, MT 59801
Tel. (406) 214-5700
rflannery@bresnan.net

*Counsel for Plaintiff Fort Belknap Indian
Community*

FOR JOSEPH R. BIDEN, UNITED STATES
DEPARTMENT OF STATE, ANTONY J.
BLIKEN, DAVID HALE, UNITED STATES
DEPARTMENT OF THE INTERIOR, AND
DEBRA A. HAALAND

MARK STEGER SMITH
Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Avenue North, Suite 3200
Billings, MT 59101
Ph: (406) 247-4667; Fax: (406) 657-6058
mark.smith3@usdoj.gov

JEAN E. WILLIAMS
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

/s/ Luther L. Hajek
LUTHER L. HAJEK (CO Bar 44303)
Trial Attorney
Natural Resources Section
999 18th Street, South Terrace, Suite 370

Denver, CO 80202
Ph: (303) 844-1376; Fax: (303) 844-1350
luke.hajek@usdoj.gov

Attorneys for Defendants

FOR TC ENERGY CORPORATION AND
TRANSCANADA KEYSTONE PIPELINE, L.P.

CROWLEY FLECK PLLP

/s/ Jeffery J. Oven

Jeffery J. Oven
Jeffrey M. Roth
490 North 31st Street, Ste. 500
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
jroth@jcrowleyfleck.com

SIDLEY AUSTIN LLP

/s/ Peter C. Whitfield

Peter C. Whitfield
Joseph R. Guerra
1501 K Street, N.W.
Washington, DC 20005
Telephone: 202-736-8000
Email: pwhitfield@sidley.com
jguerra@sidley.com

*Counsel for TransCanada Keystone Pipeline,
LP and TC Energy Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2021, I electronically filed the foregoing **STIPULATION OF DISMISSAL WITHOUT PREJUDICE** with the Clerk of the Court for the United States District Court for the District of Montana by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Wesley James Furlong

Wesley James Furlong (MT Bar No. 42771409)
NATIVE AMERICAN RIGHTS FUND

*Counsel for Plaintiffs Rosebud Sioux Tribe
and Fort Belknap Indian Community*